

**To:** CN=Jennifer Wu/OU=R10/O=USEPA/C=US@EPA;CN=Jill Gable/OU=R10/O=USEPA/C=US@EPA;CN=David Powers/OU=R10/O=USEPA/C=US@EPA;CN=David Croxton/OU=R10/O=USEPA/C=US@EPA[]; N=Jill Gable/OU=R10/O=USEPA/C=US@EPA;CN=David Powers/OU=R10/O=USEPA/C=US@EPA;CN=David Croxton/OU=R10/O=USEPA/C=US@EPA[]; N=David Powers/OU=R10/O=USEPA/C=US@EPA;CN=David Croxton/OU=R10/O=USEPA/C=US@EPA[]; N=David Croxton/OU=R10/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=Jayne Carlin/OU=R10/O=USEPA/C=US

**Sent:** Wed 10/17/2012 6:13:09 PM

**Subject:** Additional Language for OR Litigation Diagram for Dan Opalski briefing  
<http://www.epa.gov/r10earth/tmdl.htm>

Hi Jenny,

Dave just told me you are at Clarks Creek meeting and plan to be here later this afternoon. I don't know how much detail you would like to provide so I am sending you a rambling email of which you can choose which items to include. We can discuss it further when you return this afternoon.

# Non-responsive

OR CZARA Settlement Agreement, EPA and NOAA vs. NWEA

Actions Needed: Revisit and update interim decision rationales, address remaining conditions & approve/disapprove CNPCP by 2013 (publication in FR on proposed decision by 11/15/2013, final decision by 5/15/2014)

Programs/Sectors: 319, TMDLs, standards, nonpoint source (forestry, agriculture, pesticides)

Description:

To get OR 319 funds, all areas under the Coastal Nonpoint Control Program (CNPCP) must be approved. Approvals still needed in three conditions (on-site disposal systems, new development, and additional forestry measures)

Interim EPA/NOAA findings/decisions revisited and updated questioned

Mid-Coast TMDL – implementation-ready TMDL with enforceable LAs addresses roads and landslide-prone areas.

Letters (5 letters between April-Oct 2012):

Concerns about ODEQ's honoring CZARA Settlement Agreement commitments

Questions on interim findings on Oregon's agriculture (management measures and enforcement authority to back up voluntary approach) and pesticides programs

Concern about protection of the designated use of amphibians in non-fish-bearing ("Type N") streams through the MidCoast Implementation Ready TMDL

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From: Jennifer Wu/R10/USEPA/US  
To: Kathleen Collins/R10/USEPA/US@EPA,  
Cc: Angela Chung/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA, Jill Gable/R10/USEPA/US@EPA, Karen Burgess/R10/USEPA/US@EPA, Lisa Macchio/R10/USEPA/US@EPA  
Date: 10/16/2012 03:46 PM  
Subject: Re: Draft OR litigation diagram for Dan Opalski briefing- FYI and for your RW

Sure - here's something you can use.

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-----Kathleen Collins/R10/USEPA/US wrote: -----

To: Jennifer Wu/R10/USEPA/US@EPA  
From: Kathleen Collins/R10/USEPA/US  
Date: 10/16/2012 03:38PM  
Cc: Angela Chung/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA, Jill Gable/R10/USEPA/US@EPA, Karen Burgess/R10/USEPA/US@EPA, Lisa Macchio/R10/USEPA/US@EPA  
Subject: Re: Draft OR litigation diagram for Dan Opalski briefing- FYI and for your RW

Jenny, can you send a work version that folks can mark up

Jennifer Wu---10/16/2012 03:31:42 PM---Hi Everyone - I'm helping Dave Croxton to prepare a schematic of ongoing NWEA litigation-related act

From: Jennifer Wu/R10/USEPA/US  
To: Jayne Carlin/R10/USEPA/US@EPA, Lisa Macchio/R10/USEPA/US@EPA, Kathleen Collins/R10/USEPA/US@EPA, Karen Burgess/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA, Jill Gable/R10/USEPA/US@EPA,  
Cc: David Croxton/R10/USEPA/US@EPA, Angela Chung/R10/USEPA/US@EPA  
Date: 10/16/2012 03:31 PM  
Subject: Draft OR litigation diagram for Dan Opalski briefing- FYI and for your RW

Hi Everyone - I'm helping Dave Croxton to prepare a schematic of ongoing NWEA litigation-related activities in Oregon for a briefing on Oregon issues to Dan Opalski on Monday, 10/22. You are all lucky enough to also be working on some of these NWEA issues. I'm sending this as an FYI and also, if you do have comments/corrections/edits or if there's something important for Dan to know about it, please feel free to send them on to me, preferably by Thursday.

The purpose of the diagram is to summarize key points of our work going on with NWEA actions in different water programs, give Dan a general idea of how wide-reaching it is, and ultimately, perhaps start our office discussing of ways we might work with

NWEA in a better way. Here's a breakdown of areas to look at, though everyone is welcome to comment on any section.

Jayne, Jill - 303(d)

Karen - NPDES

Lisa, Kathleen, Angela - WQS

Dave Powers, Jayne - 319/Oregon CZARA

You'll need a magnifying glass, but we're planning to blow up this chart, so its easier to read. We also may put common themes down, which are lack of ESA consultation, inappropriate use of WQS in permits and TMDLs, and approving inadequate nonpoint source protections. And of course, if you know of other actions/complaints/concerns from NWEA, please let me know. I didn't put a legend down, but boxes are color-coded with red being the most urgent, and black being an issue on the horizon.

Thanks,

Jenny Wu

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<http://www.epa.gov/r10earth/tmdl.htm>[attachment "Oregon Litigation Diagram.pptx" deleted by Kathleen Collins/R10/USEPA/US]  
[attachment "litigation prep 2.docx" deleted by Jayne Carlin/R10/USEPA/US]